

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,
v.

KYOCERA CORPORATION, et al.,
Defendants.

Civil Action No. 6:15-cv-00049

JURY TRIAL DEMANDED

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANTS
KYOCERA CORPORATION AND KYOCERA INTERNATIONAL, INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc. submit the following Stipulation of Dismissal Without Prejudice as to Defendants Kyocera Corporation and Kyocera International, Inc. and in support thereof state:

1. On January 15, 2015, Plaintiff CCE filed suit against Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc., and others for infringement of U.S. Patent No. 8,385,966 and U.S. Patent No. 8,868,060.
2. Kyocera Corporation and Kyocera International, Inc. represent and warrant that:
 - a. Kyocera Corporation and Kyocera International, Inc. are each holding companies which do not engage in activities under the Patent Act, 35 U.S.C. §§ 1-376, in the United States. Furthermore, Kyocera Corporation and Kyocera International, Inc. do not instruct, direct, or control the activities of its subsidiaries (or any other entity) relative to (i) the operation or design of any cellular telephone communications network; or (ii) the operation or design of wireless device features and functionality.

b. Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc. agree that for purposes of discovery in this case, documents and information in the possession, custody, or control of Kyocera Corporation or Kyocera International, Inc., or any of their respective subsidiaries, are deemed also to be in the possession, custody, and control of Kyocera Communications, Inc. Kyocera Communications, Inc. will not object to a request for deposition on the grounds that the prospective deponent is an employee of Kyocera Corporation or Kyocera International, Inc., or any of their respective subsidiaries (though nothing in this stipulation prevents Kyocera Communications, Inc. from objecting to a deposition on other grounds).

c. Kyocera Communications, Inc. is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, Kyocera Communications, Inc. or any assignee of Kyocera Communications, Inc. is able to satisfy any judgment in this patent infringement lawsuit against it. Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc. each warrant and represent that they will not take any action that will cause Kyocera Communications, Inc. to be unable to fully satisfy any such judgment.

3. CCE expressly does not stipulate or agree to any of the foregoing facts, and reserves its right to dispute any of the foregoing factual representations with evidence to the contrary.

4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(c) above, CCE agrees to dismiss Kyocera Corporation and Kyocera International, Inc. without prejudice as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.

5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in-suit. All other rights have been expressly

reserved.

Accordingly, CCE, Kyocera Corporation, and Kyocera International, Inc. request that the Court enter the attached order dismissing Kyocera Corporation and Kyocera International, Inc. without prejudice.

Dated: March 23, 2015

Respectfully submitted,

/s/ Edward R. Nelson, III
Edward R. Nelson, III
ed@nelbum.net
Texas State Bar No. 00797142
S. Brannon Latimer
brannon@nelbum.com
Texas State Bar No. 24060137
Thomas C. Cecil
tom@nelbum.com
Texas State Bar No. 24069489

NELSON BUMGARDNER, P.C.
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
Phone: (817) 377-9111
Fax: (817) 377-3485

T. John Ward, Jr.
Texas State Bar No. 00794818
J. Wesley Hill
Texas State Bar No. 24032294
Claire Abernathy Henry
Texas State Bar No. 24053063
WARD & SMITH LAW FIRM
P.O. Box 1231
1127 Judson Rd. Ste. 220
Longview, Texas 75606-1231
(903) 757-6400
(903) 757-2323 (fax)
jw@jwfir.com
wh@wsfirm.com
ch@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
CELLULAR COMMUNICATIONS
EQUIPMENT LLC**

/s/ Jose L. Patiño
Jose L. Patiño
jpatino@foley.com

FOLEY & LARDNER LLP
3579 Valley Centre Drive, Suite 300
San Diego, CA 92130
Tel: 858-847-6875
Fax: 858-792-6773
**COUNSEL FOR DEFENDANT KYOCERA
COMMUNICATIONS, INC., AND
SPECIALY APPEARING FOR
DEFENDANTS KYOCERA CORPORATION
AND KYOCERA INTERNATIONAL, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 23rd day of March, 2015. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson III

Edward R. Nelson III